IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 537 of 1988

in

SPECIAL CIVIL APPLICATIONNo 3402 of 1988

and

CIVIL APPLICATION NO.2368 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SMT. KAPILABEN I PATEL

Versus

SHRI J.D.PARMAR OR HIS SUCCESSOR IN OFFICE,

Appearance:

1. LETTERS PATENT APPEAL No. 537 of 1988

NOTICE SERVED for Appellant No.

NOTICE SERVED for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI
and
HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 08/10/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE K.M.MEHTA)

1. Smt.Kapilaben Ishwarbhai Patel - appellant original petitioner has filed this appeal against the judgement and order dated 21st December 1988 passed by this Court in Special Civil Application No.3402 of 1988.

2. The petitioner had filed this petition for quashing and setting aside the transfer order dated 13th June 1988 passed by the District Primary Education Officer, whereby the petitioner was transferred from Kumar Shala No.2, Vasai to Kanya Shala, at village Gojaria. The learned Single Judge dismissed the petition and vacated the ad-interim relief which was granted earlier. The learned Judge relied upon the judgement of the Hon'ble Apex Court in Shanti Kumari v. Regional Deputy Director, Health Services, Patna Division, Patna and others, reported in AIR 1981 SC 1597, wherein the Hon'ble Apex Court has clearly laid down that the Court cannot interfere in the transfer matters. The learned Single Judge has given cogent and convincing reasons for not interfering with the order of appellant's transfer and we do not see any reason to interfere with the impugned order of the learned Single Judge. The appeal is, therefore, dismissed with no order as to costs.

3. When the civil application was presented, this Court passed order dated 30th December 1988 wherein ad-interim relief was granted and status quo as on date as regards the applicant was maintained. As we have already dismissed the Letters Patent Appeal, the ad-interim relief granted in this civil application stands vacated. This application stands rejected accordingly with no order as to costs. The Civil Application also stands rejected in view of the above order.

[R.K.ABICHANDANI, J.]

[K.M.MEHTA, J.]

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